

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

OCT 12 AM 10:01

U.S. DISTRICT COURT
N.D. OF ALABAMA

MARCIA COLVIN,

)

PLAINTIFF,

)

VS.

)

CV00-H-2224-S

STATE FARM CASUALTY INSURANCE
COMPANY,

)

)

DEFENDANT.

jm

ENTERED

OCT 12 2000

MEMORANDUM OF DECISION

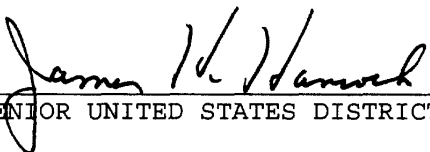
Pursuant to the August 15, 2000 order this matter is under submission on defendant's August 10, 2000 motion for summary judgment. In support of the motion defendant has submitted a brief and an affidavit with fourteen separate exhibits. In opposition to the motion plaintiff has submitted neither a brief nor evidence.

In the complaint plaintiff seeks to recover compensatory and punitive damages for defendant's alleged bad faith in investigating a fire loss which burned a residence owned by plaintiff. The undisputed facts reflect that the property had been the subject of an insurance policy issued by defendant which was duly cancelled, effective 12:01 a.m., April 11, 1998, and the

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unearned premium refunded.¹ It is undisputed that the fire took place between 1:15 a.m. and 1:20 a.m. on April 11, 1998, which was after the policy had been properly cancelled. Defendant had no obligation to pay the policy benefits, and certainly the investigation conducted by plaintiff discharged any duty of good faith investigation under the policy prior to its cancellation. The lawsuit is totally frivolous. A separate final judgment will be entered.

DONE this 12th day of October, 2000.



SENIOR UNITED STATES DISTRICT JUDGE

¹ It is undisputed that the property was vacant at the time of the fire, a material change in the risk, and that the cancellation was pursuant to the policy provisions.